IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 2195 of 2005

Between:

Fisherman Co-Operative Society, rep. by its President P. Venkateswarlu,
S/o. Veeraiah, R/o. Chirunomula Village, bonakal Mandal,
Khammam District.

... PETITIONER

AND

1 The District Panchayat Officer, Khammam District.
2 Gram Panchayat, Chirunomula, rep. by its Executive Officer,
Bonakal Mandal, Khammam District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue an appropriate Order Writ or Direction more particularly one in the nature of Writ of Mandamus, to declare the action of the 1st respondent in not releasing the amount of Rs. 23,000/- being the sale proceeds deposited before the 1st respondent in obedience to the order dt. 23.4.2003 passed in W.P.No. 25038/2002, pursuant to the representation submitted by the petitioner dt. 23.1.2005 as arbitrary, illegal and consequently direct the 1st respondent to forthwith release the said amount to the petitioner society.

Counsel for the Petitioner: MR.PALLENAGESWAR RAO

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court at the stage of admission made the following :

-

-

-

-

-

-

-

-

-

-

ORDER:

This writ petition is filed seeking a declaration that the action of the first respondent-District Panchayat Officer, in not releasing a sum of Rs.23,000/- said to have been deposited by the petitioner society with the first respondent, in compliance with the order of this Court dated 23-04-2003 in W.P.No.25038 of 2002 as arbitrary and illegal.

Heard the learned counsel for the petitioner and the learned Government Pleader Smt. Jyothi Eswar appearing for the respondents.

As can be seen from the material on record, W.P.No.25038 of 2002 filed by the petitioner society aggrieved by the action of the respondents in not permitting them to catch Fish in Ooracheruvu tank was disposed of by this Court by order dated 23-04-2003 permitting the petitioner society to catch Fish in the presence of the District Panchayat Officer and the sale proceeds thereof shall be deposited to the credit of the District Panchayat Officer. Accordingly, the petitioner society deposited a sum of Rs.23,000/- to the credit of the 1st respondent. Subsequently, the 2nd respondent by letter dated 7-1-2005 expressed no objection to withdraw the proceedings initiated by them. Consequently, the petitioner society claims that they are entitled for the refund of R.23,000/- deposited with the first respondent and accordingly made a representation dated 11-01-2005. However, the first respondent failed to consider. Hence this writ petition.

Having heard the learned Counsel for both the parties and on a perusal of the material on record, I deem it appropriate to dispose of the writ petition with a direction to the first respondent-District Panchayat Officer to consider the representation of the petitioner society dated 11-01-2005 and take necessary action in accordance with law. It is made clear that in case, any objection is raised for refund of the amount in favour of the petitioner, the same shall be communicated to the petitioner, within a period of two weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No order as to costs.

_____

G. ROHINI, J

Dated: 21-02-2005

Note: Furnish C.C. in three days

B/o.

LSK

ASSISTANT REGISTRAR

To

1 The District Panchayat Officer, Khammam District.
2 Gram Panchayat, Chirunomula, rep. by its Executive Officer, Bonakal Mandal, Khammam District.

3 Two C.Cs. to the Government Pleader for Panchayat Raj and Rural Development, High Court Buildingsd, Hyderabad (O.U.T.)

4 Two C.D. copies.